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25 Attorneys for Plaintiffs

26 UNITED STATES DISTRICT COURT
27 CENTRAL DISTRICT OF CALIFORNIA

28 BARLOW RESPIRATORY
HOSPITAL; PIH HEALTH GOOD
SAMARITAN HOSPITAL;
PROVIDENCE HOLY CROSS
MEDICAL CENTER; HOSPITAL
ASSOCIATION OF SOUTHERN
CALIFORNIA, an Incorporated
California Nonprofit Membership
Association; and CALIFORNIA
HOSPITAL ASSOCIATION, an
Incorporated California Nonprofit
Membership Association,

Plaintiffs,

v.

CITY OF LOS ANGELES; OFFICE
OF WAGE STANDARDS FOR THE
CITY OF LOS ANGELES; ERIC
GARCETTI, in his official capacity as
Mayor of Los Angeles; and DOES 1-20,

Defendants.

CASE NO. 2:22-CV-04828-JLS-GJS

**JOINT STATUS UPDATE ON
REFENDARY PETITION AND
REQUEST FOR CONTINUANCE OF
HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

Hon. Josephine L. Staton

[Fed. R. Civ. P. 65]

Hearing Date: August 26, 2022
Time: 10:30 a.m.
Place: Courtroom 8A
Judge: Hon. Josephine L. Staton

1 On August 2, 2022, Plaintiffs Barlow Respiratory Hospital, PIH Health Good
 2 Samaritan Hospital, Providence Holy Cross Medical Center, Hospital Association of
 3 Southern California, and California Hospital Association (“Plaintiffs”) and Defendants
 4 City of Los Angeles¹ and Eric Garcetti (“Defendants,” and with Plaintiffs, the “Parties”)
 5 stipulated to continue the hearing on Plaintiffs’ Motion for Preliminary Injunction in
 6 light of developments regarding the referendary petition for Los Angeles Ordinance
 7 No. 187566. Dkt. 30. On August 3, 2022, this Court granted the stipulation,
 8 rescheduling the hearing for August 26, 2022, at 10:30 a.m., and ordering the Parties to
 9 provide updates on “any developments that affect the need to hear the matter, or that
 10 may justify a continuance of the hearing.” Dkt. 31.

11 The Parties submit the following update: On August 10, 2022, the City Clerk
 12 issued a Conditional Acceptance of Filing receipt for the referendary petition against the
 13 Ordinance. That receipt is attached as **Exhibit A**. The news release, dated August 11,
 14 2022, from the Office of the City Clerk relating to the receipt is attached as **Exhibit B**.
 15 The Conditional Acceptance documents the date the referendary petition was filed and
 16 the total number of signatures the proponents claim are affixed to the referendary
 17 petition. *See* Los Angeles City Election Code § 716(a). The next steps in the process,
 18 as mandated by the Los Angeles City Election Code, are anticipated to take between
 19 four to six weeks to complete during which time the Ordinance remains suspended.

20 Specifically, the City Clerk first conducts an initial review to determine if the total
 21 number of signatures on the referendary petition equals or exceeds the total number
 22 required, and all the Circulator Affidavits have been completed and fully executed. *Id.*
 23 § 716(b). The City Clerk may also request the proponents of the petition to correct minor
 24 clerical errors within two business days. *Id.* It is anticipated that the initial review
 25 process will take about two to three weeks. If there are sufficient signatures, the City
 26 Clerk will issue a Final Acceptance of Filing receipt, and then proceed to the signature
 27

28 ¹ The City of Los Angeles contends that the Office of Wage Standards for the City of
 Los Angeles is not a separate legal entity.

1 examination phase. *Id.* § 716(c). The Parties will promptly update the Court as soon as
2 the City Clerk releases the outcome of its initial review and/or issues a Final Acceptance
3 of Filing receipt.

4 During the signature examination phase, the City Clerk either verifies all the
5 signatures to the referendary petition within 30 days after issuing the Final Acceptance
6 of Filing receipt, *id.* § 717(a), or conducts a random sampling review to verify the
7 signatures within 15 days after issuing the Final Acceptance of Filing receipt, *id.*
8 § 717(b). If sufficient, the Ordinance will remain suspended until approved by the voters
9 at an election; if insufficient, the Ordinance will take immediate effect upon the
10 certification. *See* Los Angeles City Charter § 461(c).

11 Based on the current status, and the anticipated time it will take for the process to
12 be completed under City law, the parties request the hearing on Plaintiffs' Motion for
13 Preliminary Injunction be continued from August 26, 2022, to September 16, 2022, at
14 10:30 a.m. The Parties will promptly notify the Court of any developments that would
15 necessitate a change or cancellation of that hearing date.

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1 Dated: August 16, 2022

Respectfully submitted,

3 GIBSON, DUNN & CRUTCHER LLP

5 By: /s/ Maurice Suh
6 Maurice Suh

7
8 Attorneys for Plaintiff California Hospital
9 Association

10 BELL, MCANDREWS & HILTACHK, LLP

12 By: /s/ Thomas W. Hiltachk
13 Thomas W. Hiltachk

14
15 Attorneys for Plaintiffs Barlow Respiratory
16 Hospital; PIH Health Good Samaritan Hospital;
17 Providence Holy Cross Medical Center;
18 Hospital Association of Southern California

19 LOS ANGELES CITY ATTORNEY'S OFFICE

20 By: /s/ Arlene N. Hoang
21 Arlene N. Hoang

22
23 Attorneys for Defendants City of Los Angeles,
24 also erroneously sued as the Office of Wage
25 Standards for the City of Los Angeles, and Eric
26 Garcetti.

ECF ATTESTATION

I, Maurice Suh, hereby attest pursuant to Local Rule 5-4.3.4(a)(2) that the concurrence in the filing of this document has been obtained by the above signatories.

Dated: August 16, 2022

/s/ Maurice Suh
Maurice Suh

Exhibit A

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK
ELECTION DIVISION

SPACE 308
565 RAMIREZ STREET
LOS ANGELES, CA 90012
(213) 978-0444
FAX: (213) 978-0378

JINNY PAK
DIVISION MANAGER

jpak@lacity.org

August 10, 2022

Peter Leoni
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Sacramento, CA 95814
[pleoni@bmhlaw.com](mailto:pleonibmhlaw.com)

SUBJECT: Referendum Against Ordinance No. 187566 Passed by the City Council – Petition
Conditional Acceptance of Filing Receipt

Dear Mr. Leoni,

This Conditional Acceptance of Filing receipt is for a referendum petition that was filed in this office on August 10, 2022, titled Referendum Against Ordinance No. 187566 Passed by the City Council. This petition is purported by the sponsors to contain:

- approximately 14,642 sections,
- approximately 88,387 signatures,
- contained within 37 boxes.

In addition, please be advised that our office received signature withdrawal requests from a total of 1,042 individuals.

If you have any questions, please contact us at (213) 978-0444.

Sincerely,

A handwritten signature of Jinny Pak.

Jinny Pak, Chief
Election Division

Exhibit B



City of Los Angeles
Office of the City Clerk

Holly L. Wolcott
City Clerk

Jinny Pak
Election Division Chief



NEWS RELEASE

FOR IMMEDIATE RELEASE
August 11, 2022

FOR MEDIA INQUIRIES:
(213) 978-0444 / natsuda.somboonkit@lacity.org

REFERENDUM AGAINST ORDINANCE NO. 187566 (HEALTHCARE WORKER MINIMUM WAGE)

PETITION FILED WITH THE CITY CLERK

LOS ANGELES (**August 11, 2022**) — Los Angeles City Clerk Holly Wolcott announced today that the Referendum Petition Against Ordinance No. 187566 (Healthcare Worker Minimum Wage) was filed yesterday, August 10, 2022. The City Clerk's Office issued a Conditional Acceptance of Filing receipt and will conduct an initial review of the petition to determine that the total number of signatures equals or exceeds the total number required, and all Circulator Affidavits have been completed and fully executed before proceeding to the examination and verification process.

As a result of the filing of the referendum petition, Ordinance No. 187566 is suspended and will not take effect while the City Clerk's Office reviews the petition to determine if it contains a sufficient number of valid voter signatures. If the City Clerk determines that the referendum petition does not contain a sufficient number of signatures, the Clerk will issue a certificate of insufficiency and the Ordinance will take effect upon the date of the certificate. If the City Clerk determines that the referendum petition contains the requisite number of signatures, the Ordinance shall remain suspended and not take effect until it is adopted by the voters of the City.

The petition must contain the valid signatures of at least 40,717 qualified, registered voters of the City of Los Angeles to qualify the referendum.*

The Office of the City Clerk administers candidate filing for the City of Los Angeles and the Los Angeles Unified School District. More information can be found on the City Clerk's election website: <https://clerk.lacity.org/elections> or by contacting the Election Division at (213) 978-0444, or toll-free at (888) 873-1000 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

*Per Charter Section 461(a), the number of signatures reflects 10% of total votes cast for all candidates for the Office of Mayor at the last election at which the Mayor was elected.